

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 12-30-71 (pltf.)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
Robert Franden, Trustee for CHESTER L. JOHNSTON, d/b/a MIDWAY MOVING AND STORAGE vs TRUCK INSURANCE EXCHANGE		For plaintiff: James R. Hays Ellison, Smith, Morrel & Miles 4815 South Harvard, Suite 534 Tulsa, Oklahoma 74135 <i>749-1673</i> <i>Δ atty.</i> Ray H. Wilburn, Knight, Wilburn & Wagner 212 Beacon Bldg., Tulsa, Oklahoma 74103 <i>584 6458</i> For defendant: James C. Pinkerton (Kerr Glass Mfg.-Intr 602 NBT Annex 10 E. 3rd Tulsa, Okla. 74103 582-1112					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed <i>11-1-71</i>	Clerk	10-8-71	Wilburn	15 00	15.00		
J.S. 6 mailed <i>7-1-72</i>	Marshal	10-13-71	CD 18				
Basis of Action: Damages for loss under insur- ance policy	Docket fee						
	Witness fees						
Action arose at: Tulsa, Okla.	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-8-71	Petition for removal from District Court of Tulsa County, Okla., filed.g	
10-8-71	Bond on removal - \$500.00, Aetna Casualty & Surety Co., surety, filed.g	
10-8-71	Notice of removal, filed. g	
10-8-71	Answer, filed. g	
10-8-71	Acknowledgment of removal, filed. g	
12-8-71	Parties directed to hold pre-trial prior to 1-12-72 and file pre-trial order not later than 1-19-72. (AEB-J)m	
12-27-71	Reply to Answer of pltf. to answer of def., filed. rm Deleted no such pleading <i>att. notified (J.H.P.)</i>	
12-27-71	Amendment to Petition, filed. rm Deleted no counter order permitting filing (J.H.P.)	
12-27-71	Motion to Remand by pltf., pursuant to 28 U.S.C.A. §1447(c), filed. rm	
12-27-71	Brief in support of Motion to Remand, filed. rm	
12-27-71	Ordered by the Court that def. file responsive brief within 10 days to pltf.'s Motion to Remand. (AEB-J) rm	
12-28-71	Application to Amend Petition, filed. rm <i>(order to file)</i>	
12-28-71	Plaintiff's first series of interrogatories, filed. ds	
12-30-71	Ordered by the Court that Plaintiff be permitted to Amend its Petition herein. (AEB-J) rm <i>(pltf. allowed to amend petition)</i>	
12-30-71	Amendment to Petition, filed. rm	
1-3-72	Response of the Deft. to Motion to Remand of the Pltf.,, filed. v	
1-12-72	Stipulation of Pltf. and the Deft. to Extend Pre-Trial, filed. v <i>order to extend</i>	
1-12-72	Defendant's answers to interrogatories, filed. ds	
1-13-72	Order Postponing Pre-Trial 20 days from this date, filed. (AEB-J)v	
2-8-72	Pltfs. proposed pre-trial order filed. rm <i>(to be amended)</i>	<i>copies prepared</i>
2-8-72	Deft's proposed pre-trial order, filed. hm	
2-15-72	Ordered that Magistrate conduct hearing on pltf's motion to remand pursuant to 28 USCA Sec. 1447. (AEB-J)hm	
2-15-72	Hearing held on above motion. Pltf's motion to remand is overruled & deft. counsel to prepare recommendation & order within 5 days. (MLB-Mag)hm <i>Ray submitted on 2-25-72</i>	
4-5-72	Findings and recommendations of Magistrate, filed, that pltf's mot. to remand be denied and exceptions allowed. (MLB-Mag)hm (pltf. given 10 days to object) <i>copy to Ray</i>	
4-18-72	Order, filed, that recommendations of Mag. are approved, and that pltf's motion to remand is denied. (AEB-J)hm (copies mailed)	
4-19-72	Motion of Kerr Glass Mfg. Corp. to intervene as pltf., filed.rm	
4-24-72	Brief in support of mo. to intervene as pltf., filed. rm	
4-24-72	Ordered that pltf. and def. are granted 10 days in which to respond to intervenor's motion to intervene. (AEB-J) rm	
4-24-72	Case set for jury trial for Monday 5/22/72 at 9:30 a.m. (AEB-J) rm	
4-28-72	Application of intervenor to strike case from jury docket, filed.rm - <i>Order to J.</i>	
5-2-72	Motion of def. for summary judgment, filed. rm <i>Ray will send filing</i>	
5-4-72	Plaintiff's Brief of Issue of Law as Set Forth In Plaintiff's Proposed Pre-Trial Order, filed. v	
5-4-72	Plaintiff's Requested Instructions for Jury Trial Set for May 22, 1972, filed. v	
5-4-72	Response and Brief by Plaintiff to Motion to Intervene, filed. v	
5-8-72	Brief of def. insupport of mo. for SJ, filed. rm	
5-8-72	Ordered that pltf. is granted 10 days from this date to respond to def.'s motion for summary judgment. (AEB-J)rm - ltr. written	
5-8-72	Certificate of service by intervenor of mo. to strike case from jury docket, filed. rm	
5-16-72	Affidavit of Ernest Pohl, filed. r <i>(over)</i>	

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
5-8-72	Response & obj. by pltf. to intervenor's appl. to strike case from jury docket, filed. rm	
5-8-72	Brief of pltf. in support of above obj., filed. rm	
5-15-72	Response of pltf. to def.'s motion for SJ, filed. rm	
5-15-72	Affidavit of Chester L. Johnston, filed. rm	
5-15-72	Brief in opposition to mo. for SJ, filed. rm	
5-15-72	Appl. of pltf. to specially set pending motions, filed. rm	
5-16-72	Deposition of Chester L. Johnston on behalf of deft, filed. (\$76.00)g	
5-16-72	Affidavit of Ernest Pohl, filed. r	
5-18-72	Ordered that Magistrate conduct hearing on deft's motion for S/J and motion of Kerr Glass to intervene as pltf. (AEB-J)hm	
5-18-72	Hearing held on above motions. Deft's motion for S/J is overruled and motion of Kerr Glass to intervene as pltf. is denied. (MLB-Mag)hm	
5-19-72	Order overruling deft's motion for S/J, filed. (AEB-J)hm (copies mailed)	
5-19-72	Order denying application for intervention and application of proposed intervenor to strike from jury docket, filed. (AEB_J)hm (copies mailed)	
5-19-72	Findings and recommendations of Magistrate, filed. (MLB-Mag.)rm	
5-19-72	Findings and recommendations of Magistrate, filed. (MLB-Mag.)rm	
5-24-72	Return on service of civil subpoena, filed. (USM \$6.32) rm	
5-22-72	Case called for Jury Trial. Parties announce ready, and case placed on trailing docket.(AEB-J)h	
5-30-72	Return on service of civil subpoena, filed. (USM \$2.72) rm	
6-7-72	Application to Dismiss and/or to Substitute Real Party in Interest for the Plaintiff, (by deft) filed. js	
6-7-72	Ordered that Magistrate conduct pre-trial hearing. (AEB-J)hm	
6-7-72	Pre-trial hearing held and deft's oral application for reconsideration of recommendation to deny motion for S/J overruled. (MLB-Mag)hm	
6-8-72	Plaintiff's Brief to Establish Issues of Fact and Questions of Law, filed. v <i>orig to Mailbox</i>	
6-8-72	Deft's brief, filed. hm <i>orig to Mailbox</i>	
6-8-72	Order of Dismissal with Prejudice, filed and entered. (AEB-J)h	
6-9-72	Case tried to a jury June 7, 8 & 9, 1972. Jury selected by clerk, by agreement of parties. Defendant's motion to dismiss as to Chester Johnston is sustained. Plaintiff's request to substitute plaintiff name to Robt Franden, as Trustee, etc., by interlineation sustained. Parties request to file briefs by 6-8-72. Jury retires for deliberation, 3:30 P.M. 6-8-72. Jury in box 6-9-72, and parties announce settlement and jury dismissed. Order of Dismissal signed and approved, exhibits withdrawn.(AEB-J)h	
6-9-72	Order of Dismissal with prejudice filed and entered . (AEB-J)h (copies)	

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